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# [illegible]udge Not Sure Ray Acted Alone

Nash. Banner, King case

Memphis (UPI)—Criminal Court Judge W. Preston Battle, who accepted the guilty plea of James Earl Ray and approved a 99-year prison sentence, said he is not as quick to accept the premise that Ray alone was guilty of the death of Dr. Martin Luther King Jr.

BANNER

[illegible] others [illegible] truly [illegible] know how Ray actually found the spot from which to [illegible] did Ray know where [illegible] would be?" Battle said Sunday reflecting on the case which was scheduled to be tried before him beginning April 7.

"How did he determine the [illegible] weapon to be used? What are the details of the actual purchase and selection of the weapon? Was he alone in surveillance of the Lorraine Motel?" he continued.

Battle heard Ray mumble that he did not accept the theory of U.S. Atty. Gen. Ramsey Clark and others that there was no conspiracy. Battle even commented when he accepted Ray's guilty plea, that though the state had shown no evidence of a conspiracy, it did not mean that such a plot did not exist.

### Puzzling Escape

"Most puzzling of all is his escape from Memphis," Battle said. "To me, it seems miraculous that he was able to flee to Atlanta despite the all-points bulletins without his white Mustang being spotted on a highway."

A broadcast was sent almost immediately after the slaying of King in Memphis April 4 for a white sniper traveling in a white Mustang.

"I'd like the full proof," said the judge. "And as I said on March 10 when the agreement was reached to permit Ray to change his plea to guilty, there is no end to our interest or to the law's responsibility and determination. If any evidence would arise that would point to a co-conspirator, that person will be pursued and treated as though he also had his finger on the trigger.

"There has been much talk of a conspiracy, but no one's saying so has yet produced a single shred of evidence or named an associate or conspirator."

If Battle questions the fact that Ray acted alone, why did he accept the guilty plea?

"I was convinced then and am convinced now that the trial would have muddied our understanding of the substantial evidence which established Ray as the killer," he replied.

"It is an error to assume that the prosecution would have had a chance to cross-examine Ray about his finances, or how he escaped from the Missouri State Penitentiary, or about persons who gave him any aid before or after the slaying of Dr. King.

"That assumes Ray would have taken the stand," he said. "I doubt very seriously that defense counsel would have risked placing Ray in such a position. In fact, as I understand it, this [illegible] has been one of the main problems between Ray and various men who have acted for the defense. [illegible]

and so some things might be exaggerated, some minimized or obscured.

"Had there been a trial, there could always have been the possibility, in such an emotionally charged case, of a hung jury. Or though it may appear far fetched now, he could have perhaps been acquitted by a jury."

Battle said he thinks Ray's love of notoriety may lead him to reveal more of the details in time.

He added that he was disappointed in the response of some citizens and officials who called the trial a "minitrial."

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"The law requires only two things in such a proceeding [illegible]

in court, that in spite of persistent investigation his office had not found "any competent evidence" of a conspiracy.

"We have checked out hundreds and hundreds of leads," he said. "We have just found no evidence of a conspiracy."

Canale said he believed Ray had "the innate intelligence, the animal cunning" to plan and carry out the assassination of King.

"The plan was no more brilliant than those used in the killing of President (John F.) Kennedy or his brother, Sen. (Robert F.) Kennedy," the prosecutor said.

Such statements by Canale and the FBI casting doubt on [illegible] have [illegible] however.

The Tennessee Council on Human Relations has called for [illegible] who have acted for the defense. They counseled against it, and he kept wanting to take the risk."

Ray obtained a delay from his originally scheduled trial date of Nov. 12 when he dismissed Former Birmingham Mayor Arthur Hanes Sr. And hired Houston Attorney Percy Foreman and hired Houston Attorney Percy Foreman. The trial date was set at March 3 and then April 7 when Foreman told the judge he could not be ready by March.

"Suppose he had taken the stand, the public should understand that this would not guarantee that this would have cast light upon these puzzling questions," Battle said. "In an adversary proceeding, each side tries to make the best case.

"The law requires only two things in such a proceeding," he explained. "One is that we present the body of the corpus delicti and the second is that evidence be presented establishing that the defendant was involved with the crime.

"This was accomplished through the witnesses who appeared and testified to the last living moments of Dr. King and to the nature and cause of death. The evidence relating Ray to the slaying was stipulated and read in open court by the state, and this described the chain of evidence with what would have been introduced in a trial."

Battle said he repeatedly examined Ray to insure that he understood the agreement and that he was changing his plea of his free choice.

Meanwhile, Shelby County Dist. Atty. Gen. Phil M. Canale said a small fresh scar on a battered wooden window sill proved to investigators that the shot that killed King was fired from the bathroom of a dollar-a-day rooming house.

Canale said to him this was the most surprising discovery in the case against Ray.

"Someone figured that a 30-06 deer rifle would have a certain amount of recoil," Canale said. "They checked the window sill and found a tiny indentation.

"We took the window sill out and sent it to the FBI in Washington," he said. "They made pictures of it, blew them up and the markings were identical to the machine work on the rifle that was abandoned near the front of the rooming house."

The rifle and a zipper bag containing a man's personal belongings plus a pair of binoculars and a transistor radio were found wrapped in a green cloth lying on the South Main Street sidewalk, apparently dumped there by the killer.

Canale admitted the slug that shattered King's spinal column was too damaged for definite ballistics tests, but he said a piece of copper and lead from the bullet about the size of the end of a man's little finger were found intact.

Working with these and the empty [illegible] in the rifle, the FBI established that the bullet was one that could have been fired by that weapon. The rifle was bought by Ray using the name Harvey Lowmeyer in Birmingham.

The binoculars, Canale said, were bought in Memphis. [illegible] the transistor radio [illegible]

The Tennessee Council on Human Relations has called for the formation of a presidential commission to investigate King's murder.

The council's board of directors unanimously adopted a resolution calling for the investigation in view of "lingering questions of conspiracy in the assassination."

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